

## REASONS FOR ELIMINATION OF PROSPECTIVE APPLICANTS

1. LESS THAN HONORABLE DISCHARGE FROM MILITARY SERVICE OR BAD SERVICE CONDUCT.
2. DISCHARGE FROM EMPLOYEMENT ON TWO OR MORE OCCASSIONS WITHIN THE PAST FIVE YEARS OR EVIDENCE OF SERIOUS MISCONDUCT IN THE THREE YEARS.
3. CONVICTION FOR ANY FELONY OR SERIOUS CRIME (SIXTEEN YEARS OLD OR OLDER).
4. CONVICTION FOR ANY MISDEMEANOR, WITHIN THE PAST SEVEN YEARS.
5. CONVICTION FOR ANY SERIOUS TRAFFIC OFFENSES WITHIN THE FIVE YEARS.
6. SIX OR MORE CURRENT POINTS AGAINST THE APPLICANT'S OPERATOR'S LICENSE.
7. DOCUMENTED HISTORY OF DOMESTIC VIOLENCE (CONVICTION NOT NECESSARY).
8. DOCUMENTED PATTERN OF VIOLENCE FROM TWO SEPARATE SOURCES.
9. HIGH INCIDENCE OF ACCIDENTS DUE TO NEGLIGENCE (MORE THAN TWO WITHIN THE PAST FIVE YEARS).
10. EVIDENCE OF ALCOHOLISM OR SERIOUS DRINKING.
11. INCOMPLETE APPLICATION OR FASLE/MISLEADING INFORMATION
12. VIOLATION OF THE GUIDELINES CONCERNING THE USE, SELLING, MANUFACTURING, DISTRIBUTING OF DRUGS:

Prior Substance Abuse Guidelines - COMAR: 12.04.01.19

**THE AFOREMENTIONED REASONS ARE SOME OF THE GROUNDS FOR REJECTION OF AN APPLICANT. APPLICANTS THAT FALL INTO ANY OF THE LISTED CATEGORIES SHOULD IMMEDIATELY CONTACT CHIEF DOWNING.**

12.04.01.19

### **.19 Prior Substance Abuse by Applicants for Certification.**

A. Scope. This regulation applies to an individual applying to the Commission for certification or recertification as a police officer.

B. General.

(1) An individual involved in prior or current illegal use, sale, manufacture, or distribution of a controlled dangerous substance, narcotic drug, or marijuana as the terms are defined under Regulation .01 of this chapter and as specified in this regulation has demonstrated character traits, judgment, behavior, or activity which adversely predict or affect the ability of the individual to perform the duties of a police officer.

(2) A law enforcement agency may set more restrictive standards than those specified in this regulation.

C. Prohibitions—Initial Certification. An individual is ineligible for initial certification as a police officer in Maryland if the individual has:

(1) Been convicted or otherwise found guilty of selling, manufacturing, or distributing a controlled dangerous substance, narcotic drug, or marijuana;

(2) Ever illegally sold, produced, cultivated, distributed, or transported a controlled dangerous substance, narcotic drug, or marijuana;

(3) Illegally used a controlled dangerous substance, narcotic drug, or marijuana for any purpose within the 3 years before application for certification;

(4) Ever illegally used a controlled dangerous substance, narcotic drug, or marijuana for other than experimentation as specified under §D of this regulation; or

(5) Ever illegally used a controlled dangerous substance, narcotic drug, or marijuana while employed to enforce federal, State, or local law by any government entity.

D. Presumption of Experimentation. The illegal use of a controlled dangerous substance, narcotic drug, or marijuana is not experimentation if the applicant:

(1) Ever used:

(a) Heroin;

(b) Phencyclidine (PCP); or

(c) Lysergic acid diethylamide (LSD); or

(2) Other than heroin, PCP, LSD, or marijuana, used any controlled dangerous substance or narcotic drug, or any combination of controlled dangerous substances or narcotic drug that exceeds:

(a) A total of five times; or

(b) One time since becoming 21 years old; or

(3) Used marijuana:

(a) More than 20 times; or

(b) Five times since becoming 21 years old.

E. Prohibitions—Recertification. If an individual is currently certified, or was previously certified, as a police officer in Maryland the individual is ineligible for recertification if the individual illegally used, ingested, possessed, sold, produced, cultivated, distributed, or transported a controlled dangerous substance, narcotic drug, or marijuana on or after the date of the individual's initial certification as a police officer in Maryland.

F. Indication of Use of a Controlled Dangerous Substance, Narcotic Drug, or Marijuana.

(1) If any part of the background investigation indicates an applicant's current or prior use of a controlled dangerous substance, narcotic drug, or marijuana, the law enforcement agency shall investigate to determine if the use falls under the prohibitions specified in this regulation.

(2) The law enforcement agency shall verify the veracity of the applicant's statements, responses to questions, or any other information provided by the applicant related to the use of a controlled dangerous substance, narcotic drug, or marijuana using a truth verification device.

(3) If the law enforcement agency determines the use is prohibited by this regulation, the applicant is ineligible for certification by the Commission as a police officer.

(4) If the law enforcement agency determines the individual is currently using a controlled dangerous substance, narcotic drug, or marijuana in violation of State or federal law, the individual is ineligible for certification by the Commission as a police officer.

(5) If an individual becomes certified by the Commission as a police officer, the law enforcement agency employing the individual shall document and maintain information used to establish the individual's substance abuse history required by this regulation. These records are subject to audit.

G. Petition for Special Consideration.

(1) An agency head submitting an application for certification for an individual with a history of illegal use of a controlled dangerous substance, narcotic drug, or marijuana may petition the Commission based on articulated unique circumstances of the individual's use of a controlled dangerous substance, narcotic drug, or marijuana for a final determination as to the use being experimentation as specified under §D of this regulation.

(2) The agency head, or a designee, submitting a petition under §G(1) of this regulation shall:

(a) Specify the illegal controlled dangerous substance, narcotic drug, or marijuana used;

(b) Indicate the number of times the illegal controlled dangerous substance, narcotic drug, or marijuana was used;

(c) Provide the individual's age at the time of each use;

(d) Indicate how the information concerning the use of the illegal controlled dangerous substance, narcotic drug, or marijuana came to be known by the agency;

(e) Provide information concerning the agency's attempt to verify the information;

(f) Identify the specific factors that the agency head believes the Commission should consider when making a determination as to experimentation that, at a minimum, include information concerning:

(i) Length of time used;

(ii) The motivation for the use;

(iii) The time that has passed since the last use;

(iv) How the illegal controlled dangerous substance, narcotic drug, or marijuana was obtained;

(v) How the illegal controlled dangerous substance, narcotic drug, or marijuana was ingested;

(vi) Why the individual stopped the use;

(vii) The individual's ability to perform as a police officer; and

(viii) Any other information that supports the unique circumstances that the agency head wants the Commission to consider; and

(g) Submit the petition to the Executive Director of the Police and Correctional Training Commissions.

(3) The Executive Director shall submit a petition received under §G(2) of this regulation to the Police Training Commission at the next scheduled meeting following receipt if the petition:

(a) Provides the information required by this regulation; and

(b) Is received at least 30 days before the next scheduled Commission meeting.

H. Hearing Not Required.

(1) An individual applying for certification has no right to appear before the Commission for the purpose of challenging a law enforcement agency's determination that the individual used a controlled dangerous substance, narcotic drug, or marijuana contrary to the standards established by this regulation.

(2) The Commission's consideration of a petition under §G of this regulation is not a hearing.